

Application No.: 10/757,746
Filing Date: January 15, 2004
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REMARKS

This is in response to a Notice of Non-Compliant Amendment ("Notice") received in the above-referenced case.

The Notice indicates that Applicants' Amendment of June 30, 2005 ("Amendment") is non-compliant because: (i) a complete listing of all claims is not present; (ii) each claim has not been provided with the proper status identifier and (iii) the claims have not been presented in ascending order. Applicants respectfully traverse this finding.

The Application-as-filed on January 15, 2004 included 18 claims, numbered in ascending order from 1 to 18; as indicated on the PAIR System; Image File Wrapper; Document Description: Claims; Mail Room Date: 1/15/2004, attached as Exhibit A.

An initial Office Action was issued on March 22, 2005. The Office Action Summary likewise indicates that 18 claims were submitted within the Application-as-filed.

In response to the initial Office Action, Applicants submitted an Amendment on June 30, 2005, as noted above. The Amendment (i) amended Claims 1, 6 and 16; (ii) canceled Claim 12 and (iii) added new Claims 19 and 20.

Unfortunately, the Amendment of June 30, 2005 was not entered on the PAIR System, as most kindly confirmed by Examiner E. Hardy via teleconference on July 19, 2005. A copy of the Amendment-as-submitted, including both a Certificate of Facsimile Transmission and PTO auto-reply facsimile confirmation sheet ("PTO confirmation sheet"), is thus attached at Exhibit B for the Examiner's review and/or entry.

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The Examiner will kindly note that the PTO confirmation sheet indicates receipt of 16 total pages. The PAIR System; Image File Wrapper indicates that the Extension of Time (1 page); Terminal Disclaimer (1 page) and IDS (2 pages) and Fee Transmittal (1 page) which were filed along with Applicants' Amendment were entered on June 30, 2005. To avoid any confusion and/or double entry of these items, they have been omitted from Exhibit B. Applicants' Representative takes this opportunity to further note that the Fee Transmittal Sheet is recorded in PAIR, Image File Wrapper, Mail Room Date: 6/30/05; Document Description: Terminal Disclaimer at Page 2.

The Examiner will kindly note from Applicants' Amendment at Exhibit B that a complete listing of claims, i.e. original Claims 1 through 18 and new Claims 19 and 20, was provided within the Amendment. Further, each claim within the Amendment was provided with the proper status identifier. Claims 1, 6 and 16 were provided with the status identifier "Currently Amended." Claim 12 was provided with the status identifier "Canceled." Claims 19 and 20 were provided with the status identifier "New." The remainder of the claims, i.e. Claims 2 through 5, 7 through 11, 13 through 15, 17 and 18 were provided with the status identifier "Original." The claims are additionally presented in ascending numerical order, with the original claims numbered 1 through 18 and new claims numbered consecutively as 19 and 20.

Accordingly, Applicants respectfully request withdrawal of the outstanding Notice of Non-Compliant Amendment.

In the alternative, solely to advance prosecution of the case, Applicants are prepared to cancel the pending claim set and submit a new claim set, numbered consecutively from Claim 21, should the Examiner deem such necessary.

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CONCLUSION

It is believed that all of pending Claims 1 through 11 and 13 through 20 are now in condition for examination on the merits. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

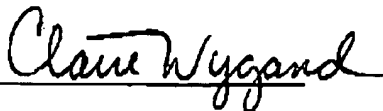


Cathy R. Moore
Reg. No. 45,764

ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, NC 28211-2841
Telephone: (704) 365-4881
Fax: (704) 365-4851
Customer No. 38263

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number 511-273-8300 on July 21, 2005.



Claire Wygand